

# SEXUAL MISCONDUCT RESPONSE & PREVENTION

## FAQ

Review the information below on policies and processes related to sexual misconduct.

## Get Help

### I've just experienced sexual assault, sexual exploitation, stalking, dating or domestic violence, or sexual harassment. What should I do? (#)

You have confidential support available to you, and you have options. Please read [You Have Options. Northwestern Can Help: A Resource Guide on Sexual Misconduct and Title IX. \(/docs/TitleIXResourceGuide2019-2020.pdf\)](#)

## Laws and Policies

### What is Northwestern's policy? (#)

Northwestern's [Policy on Sexual Misconduct \(/university-policies/index.html\)](#) prohibits sexual assault, sexual exploitation, sexual harassment, dating violence, domestic violence, and stalking. The policy applies to all faculty, staff, students, as well as University vendors, contractors, visitors, guests, and third parties, and parties associated with the campus community.

### What is Title IX? (#)

Title IX of the Education Amendments of 1972 (Title IX) is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded educational programs and activities. Under Title IX, universities are required to respond to reports of sexual assault and sexual harassment. The U.S. Department of Education's Office for Civil Rights, which enforces Title IX, has recently provided [detailed guidance on how educational institutions, like Northwestern, must investigate and respond to complaints of sexual assault and sexual harassment. \(/https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf\)](#)

### What is the Clery Act? (#)

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) and accompanying regulations require colleges and universities to disclose certain timely and annual information about campus crime, and security and safety policies. Compliance with the Clery Act is required of universities, like Northwestern, that participate in the federal student aid program and is administered by the U.S. Department of Education's Federal Student Aid Office. As a part of its Clery program, Northwestern University collects and publishes statistical information on crimes occurring on and around campus as well as relevant security and safety information in its [annual crime and safety report \(/https://www.northwestern.edu/sexual-misconduct/docs/Northwestern%20University%20IPSVHEA%20report%2011.1.17.pdf\)](#), available on the University Police website.

### What is the Violence Against Women Act? (#)

The Violence Against Women Act amendments and accompanying regulations (VAWA) clarify the duties of universities to investigate and respond to reports of sexual assault, stalking, and dating and domestic violence and to publish policies and procedures related to the handling of these cases. Under VAWA, colleges and universities also must provide training to the campus communities on issues related to sexual violence. Universities, like Northwestern, that participate in the federal student aid program are required to comply with VAWA. The new VAWA amendments were signed into law by President Obama in 2013. The new VAWA amendments became effective July 1, 2015. New [VAWA regulations \(/https://www.federalregister.gov/documents/2014/10/20/2014-omen-act#\)](#) became effective July 1, 2015.

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# Consent

## What is consent? (#)

Under Northwestern's Policy on Sexual Misconduct, consent means that clearly understandable words or actions manifest a knowing and voluntary agreement to engage in specific sexual or intimate conduct. Consent must be knowing, active, voluntary, and present and ongoing. It is always the responsibility of the individuals initiating sexual contact (or undertaking a new type of sexual activity) to ensure that consent is present before acting and is present during sexual activity.

## Does Northwestern have an “affirmative consent” policy? (#)

Yes, Northwestern's Sexual Misconduct Policy provides that consent for sexual activity must be knowing, active, voluntary, and present and ongoing. The absence of a “no” does not equal consent.

## What does Northwestern's policy say about consent when a person is intoxicated? (#)

Northwestern's policy provides that consent for sexual activity is not present when a person lacks the capacity to consent, voluntarily or involuntarily, due to the consumption of alcohol or drugs. Signs of incapacitation include when an individual demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of a lack of capacity to give consent due to consumption of drugs or alcohol may include, but are not limited to:

- Lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance)
- Lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in sexual interaction)
- Inability to effectively communicate for any reason (for example, slurring speech, difficulty finding words)

A person may appear to be giving consent, but may not have the capacity to do so. If there is any doubt as to another person's capacity to give consent, community members should err on the side of caution and assume that the other person does not have the capacity to give consent. Being impaired by drugs or alcohol does not excuse a person from the responsibility of obtaining consent. Being intoxicated or impaired by drugs or alcohol is never an excuse to commit sexual misconduct.

# Role of the University and Police

## What are Northwestern's obligations when it has notice of a Title IX-related incident? (#)

Under Title IX, Northwestern and other universities are required to investigate and respond to allegations of sexual misconduct in order to address and prevent a hostile environment based on sex. The U.S. Department of Education's Office for Civil Rights said in its 2011 Dear Colleague Letter, “Once a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate action to investigate or otherwise determine what occurred. If sexual violence has occurred, a school must take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, whether or not the sexual violence is the subject of a criminal investigation.”

## Shouldn't sexual misconduct cases only be investigated by police? (#)

Sexual misconduct fundamentally violates Northwestern's community values and principles and disrupts the living, learning, and working environment for students, faculty, staff and other community members. This view is shared by lawmakers and the U.S. Department of Education, who, through Title IX, require universities to investigate and make findings related to such cases. In fact, the U.S. Department of Education's Office for Civil Rights states in its Questions and Answers on Title IX and Sexual Violence, that, “while a criminal investigation is not discretionary, a Title IX investigation is not discretionary; a school has a duty to provide a safe and nondiscriminatory environment for all students, free

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ial misconduct by all members of the campus community, (2) an investigation, and (4) takes disciplinary action against

individuals who violate University policy. Because such violations can also be criminal offenses, Northwestern strongly encourages students, faculty, and staff who have experienced forms of sexual misconduct that may also be crimes (e.g., assault, stalking, dating violence, or domestic violence) to report the incident to the police. A report to police may result in both a police investigation and a University Title IX investigation.

## **How is a Title IX investigation different from a criminal investigation? (#)**

Police investigation and criminal prosecution of sexual misconduct crimes determine whether an individual violated criminal law. Following a police investigation and a trial, which may take months to years, a defendant who is found guilty may be imprisoned. Consequently, defendants in criminal matters are entitled to due process rights under the U.S. Constitution, such as the right to a jury trial, the right against self-incrimination, and the right to confront witnesses. Trials in criminal matters for most crimes use the “beyond a reasonable doubt” standard of proof.

In contrast, college and university Title IX investigations determine whether a respondent has violated the university’s policy on sexual misconduct, and if so, what disciplinary actions and remedial measures are appropriate. Imprisonment is not a sanction colleges and universities can impose, so Title IX processes are not subject to the Constitution’s full due process protections. Unlike in criminal matters, colleges and universities are required to use the “preponderance of the evidence” standard to determine whether there has been a violation of university policy. A preponderance of the evidence means that over 50% of the evidence supports a finding.

Consistent with the U.S. Department of Education’s guidance, the University’s investigation process is prompt and equitable, and usually completed within 60 days.

## **Does Northwestern automatically report all sexual misconduct cases to the police? (#)**

Northwestern’s campus security authorities (CSAs) report anonymous crime information, including sexual misconduct, to University police for crime statistics reports under the Clery Act. However, neither Title IX, VAWA nor the Clery Act requires a college or university to report complaints of sexual misconduct to law enforcement for investigation. Many people reporting sexual misconduct do not wish to file a police report or participate in a criminal trial. Advocates for victims and survivors urge that those who have experienced sexual misconduct should be allowed to choose whether to report a matter to the police. For these reasons, reports of sexual misconduct to Northwestern officials are not automatically referred to the police for investigation, unless the complainant requests support in reporting to the police. However, in some situations, where, for instance, there may be a safety risk to the greater campus community or if the incident involves a minor, Northwestern will alert the police to situations involving sexual misconduct.

## **Northwestern Resources**

### **What confidential resources does Northwestern offer? (#)**

Northwestern offers several resources for students, faculty, and staff who have experienced or been impacted by sexual misconduct and wish to talk confidentially with someone who will help explain their options and provide relevant information and emotional support. Confidential resources will not disclose a client’s name or other identifying information to the University or Police (unless the client is a minor or it is determined that the information shared constitutes an imminent risk to the individual’s safety or the safety of others). See [Confidential Support \(/./get-help/confidential-support.html\)](#) for information.

### **What is the role of the Title IX Coordinator and who is Northwestern’s Title IX Coordinator? (#)**

The Title IX Coordinator is responsible for coordinating the University’s compliance with Title IX, which includes administering the University’s policies and procedures related to Title IX, overseeing the investigation and resolution of Title IX complaints, preventing the recurrence of conduct prohibited by Title IX, identifying and addressing systemic problems, and overseeing training and prevention efforts related to sexual misconduct campus-wide. The Title IX Coordinator is assisted in these duties by Deputy Title IX Coordinators and investigators.

uity, Title IX Coordinator; 1800 Sherman, Suite 4-500; 847-491-

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## **What University office can I contact about sexual misconduct? (#)**

The Sexual Harassment Prevention Office is the University office that responds to reports of sexual misconduct. Faculty, staff, students, and third parties can contact the office with reports and inquiries. While the Sexual Harassment Prevention Office handles matters as discreetly as possible, it is not a confidential resource.

## **Northwestern's Title IX Investigation Process**

### **What are Northwestern's processes for investigating sexual misconduct? (#)**

Northwestern's policies and procedures are intended to afford a prompt response to reports of sexual misconduct, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of University policy. The Office of Sexual Harassment Prevention investigates complaints of sexual misconduct against students, faculty, staff, and third parties. See [Complaint Resolution Process \(http://www.northwestern.edu/sexual-misconduct/title-ix/complaint-resolution-process.html\)](http://www.northwestern.edu/sexual-misconduct/title-ix/complaint-resolution-process.html) for more information.

### **Does Northwestern use trained investigators to investigate sexual misconduct matters? (#)**

Yes. The Office of Sexual Harassment Prevention uses investigators who are trained in conducting Title IX investigations and who are familiar with sexual misconduct issues, generally, Northwestern policies, and applicable laws. Our investigators have completed training that includes content on sexual harassment, sexual violence, stalking, dating and domestic violence; conducting trauma-informed investigations; the proper standard of review; how to evaluate and weigh evidence in an impartial manner; confidentiality; making credibility assessments; consent and the role drugs or alcohol can play in the ability to consent; and procedural fairness and equity.

### **Can a person reporting sexual misconduct (complainant) request that Northwestern not reveal his or her name to the alleged perpetrator, or that Northwestern not investigate? (#)**

When a complainant requests that his or her name or identifiable information not be disclosed to the alleged perpetrator, the University's ability to respond to the complaint may be limited. In cases where a victim of sexual misconduct requests anonymity or does not wish to proceed with an investigation, the University will attempt to honor that request but, in some cases, the Title IX Coordinator or Deputy Title IX Coordinator may determine that the University needs to proceed with an investigation based on concern for the safety or well-being of the broader University community (e.g., risk of future acts of sexual violence or a pattern of sexual misconduct).

Northwestern reserves the right to take appropriate action in such circumstances, including in cases when the complainant is reluctant to proceed. Factors considered in making this determination include but are not limited to situations where there may be a pattern of violations, a history of violence, threats of future violence, multiple perpetrators, a pattern of perpetration at a specific location or by a particular group, use of a weapon, age of the victim, and whether there are other means to obtain relevant evidence.

### **Will my complaint be treated confidentially? (#)**

While the University cannot promise complete confidentiality in its handling of harassment complaints, Northwestern makes every reasonable effort to handle inquiries, complaints and related proceedings in a manner that protects the privacy of all parties. Each situation is resolved as discreetly as possible, with information shared with those who need to know in order to investigate and resolve the matter. In certain circumstances, the University may be able to address your concerns and stop the behavior without revealing your identity to the alleged harasser. However, this is not possible in every matter, as some situations require the disclosure of the complainant's identity in order to fully investigate the matter and/or to enable the accused harasser the ability to fully respond to the allegations against him or her.

In its investigation, the University will be sensitive to the feelings and situation of the alleged victim and/or reporter of sexual harassment. In instances, even in cases when the complainant is reluctant to

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you on a confidential basis. After consulting with a confidential completely within your discretion. Seeking advice from a

confidential resource does not constitute reporting an incident of harassment.

## **Can an accused person (respondent) refuse to cooperate in the investigation? (#)**

Students or employees accused of sexual misconduct may refuse to cooperate in an investigation, but failure to cooperate with a University investigation may be grounds for discipline. A respondent's refusal to be interviewed or cooperate with the investigation does not stop the investigation. The investigation will continue and the investigator will reach findings based on the preponderance of the evidence gathered during the investigation. Moreover, a respondent's refusal to cooperate based on a simultaneous criminal prosecution will not delay or halt the University's Title IX investigation.

## **If sexual misconduct occurs in an off-campus location, will Northwestern still investigate? (#)**

Yes, if the incident occurs in connection with a Northwestern program or activity, or it involves an alleged perpetrator who is connected to the University, or if it has continuing effects related to Northwestern. Northwestern will provide support services and protective measures for a complainant and the larger University community, even when Northwestern's ability to investigate an incident and take direct action against an accused person may be limited.

## **What protections does Northwestern offer to people bringing complaints of sexual misconduct (complainants)? (#)**

Northwestern policies and procedures provide complainants in sexual misconduct matters with the right to a prompt, fair, and impartial proceeding. Complainants in cases of sexual misconduct may have a support person or advisor present at all proceedings. Complainants receive an opportunity to speak with an investigator and provide other evidence in support of their position. Complainants will be informed of the findings of an investigation at the same time that the respondent is informed. Complainants may receive free, confidential counseling, can request interim measures or accommodations during an investigation, and may benefit from remedial measures following a finding against a respondent.

Complainants also have the right to appeal a decision or sanction. In addition, Northwestern's policy prohibits retaliation against people for bringing complaints of sexual misconduct.

## **What protections does Northwestern offer to people accused of sexual misconduct (respondents)? (#)**

Northwestern's policies and procedures provide respondents in sexual misconduct matters with the right to a prompt, fair, and impartial proceeding. Respondents in cases of sexual misconduct may have a support person or advisor present at all proceedings. Respondents receive an opportunity to speak with an investigator and provide other evidence in support of their position. Respondents also may receive free, confidential counseling and can request interim measures or accommodations during an investigation. Respondents will be informed of the findings of an investigation at the same time that the complainant is informed. Respondents also have the right to appeal a decision or a sanction.

## **Will complainants who report sexual misconduct face discipline for underage drinking or related violations that occurred in connection with the incident? (#)**

Persons who report sexual misconduct directed against them or another person will not be subject to disciplinary action by the University for their possession or consumption of alcohol or drugs at or around the time of the incident, unless their actions placed others in danger.

## **What role do academic freedom and free expression play in sexual misconduct**

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ademic freedom. We are equally committed to creating and members of our community. Discrimination, harassment, and

retaliation against members of the Northwestern community are not protected expression and are not the proper exercise of academic freedom. The University will consider academic freedom and free expression in the investigation of any report of sexual misconduct or retaliation that involve an individual's statements or speech.

### **What standard of proof is used in Northwestern's process? (!#)**

Northwestern uses the "preponderance of the evidence" standard to determine whether there has been a violation of university policy related to sexual misconduct. A preponderance of the evidence means that over 50% of the evidence supports a finding of a violation. This means that the alleged conduct is more likely than not to have occurred.

### **In Northwestern's process, does the complainant have to confront the respondent or be together in the same room? (!#)**

No, Northwestern's investigation and resolution processes do not require both parties to be present at the same time. In Northwestern's processes, each party speaks to the investigator separately, and when a Hearing Office or panel is used in student matters, each party speaks to the Hearing Officer or panel separately.

### **Will the complainant be informed of what disciplinary sanctions are imposed on the respondent? (!#)**

In cases of sexual assault, stalking, and dating and domestic violence, Northwestern will inform the complainant of any disciplinary sanctions imposed on the respondent. In other sexual harassment and sexual misconduct cases, Northwestern will inform the complainant of sanctions on the respondent that relate directly to the complainant, such as a no-contact order, a removal from a shared residence hall, etc.

## **Interim Measures and Support Services**

### **What kinds of interim measures might Northwestern put in place for complainants and respondents in sexual misconduct matters? (!#)**

Interim measures are individualized services offered as appropriate to either or both the reporting and responding parties involved in an incident of sexual misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations. It may be appropriate for the University to take interim measures during the investigation of a complaint.

Interim measures will be individualized and appropriate based on the information gathered by the Office of Equity, making every effort to avoid depriving any student of their education. The measures needed by each party may change over time, and the Office of Equity will communicate with parties throughout an investigation to ensure that any interim measures are necessary and effective based on the parties' evolving needs.

As noted above, an individual may request to receive support – including the measures mentioned in this section – even if they do not choose to participate in the University's Complaint Resolution Process.

### **Who should a student or employee contact to request interim measures? (!#)**

Students, staff, and faculty should contact the Office of Equity to request interim measures or supportive services. The Office of Equity can be reached at (847) 467 6165.

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## **What does Northwestern policy say about sanctions for people found responsible for committing sexual misconduct? (#)**

Northwestern policy does not dictate one required sanction for violation of its *Policy on Sexual Misconduct*. Trained University officials will review the findings in each case to determine the appropriate discipline, considering factors such as the need to eliminate a hostile environment for the victim and others, the facts of the specific incident, any prior disciplinary matters involving the respondent, and any mitigating factors. Disciplinary sanctions that may be imposed include, but are not limited to, written warnings, loss of privileges, mandatory training or counseling, probation, suspension, demotion, loss of annual pay increase, exclusion, expulsion, and termination of employment, including revocation of tenure.

## **Has Northwestern ever expelled students or terminated employees for violation of the Policy on Sexual Misconduct? (#)**

Yes, the sanctions of expulsion and termination have been imposed as the result of sexual misconduct investigations at Northwestern. For information on case outcomes and sanctions, see the [annual data report of the Sexual Harassment Prevention Office](#). ([./docs/Annual Data Report 2015-2016 12-20-16.pdf](#))

## **What about false reports of sexual misconduct? (#)**

Any person who files a complaint knowing it to be false at the time it is made is subject to disciplinary sanctions, up to and including termination of employment or expulsion. A knowingly false claim is different than a claim that cannot be substantiated by the preponderance of the evidence. Studies have shown that knowingly false complaints of sexual assault are uncommon.

## **Will I suffer retaliation for raising my complaint? (#)**

Northwestern University does not retaliate and prohibits retaliation against people for bringing Title IX complaints or participating in the complaint process. Northwestern will promptly investigate and address concerns that a party or others are engaging in prohibited retaliation. Further, Title IX prohibits retaliation against people for reporting sexual misconduct and/or participating as a witness in an investigation.

## **Responsible Employees**

### **Why does Northwestern require employees to report sexual misconduct? (#)**

Northwestern is committed to fostering an environment in which all members of the campus community are safe, secure, and free from discrimination, harassment or sexual misconduct of any form. Part of fostering this environment means addressing and remediating incidents of discrimination, harassment or sexual misconduct that affect campus community members. Reporting these matters helps the University to achieve its goal of creating a safe and secure campus experience for everyone.

### **Am I a responsible employee? (#)**

For the purposes of reporting sexual misconduct, all University employees, including students who are paid by the University such as TAs, RAs, and others, are responsible employees. In addition, non-employees with teaching or supervisory authority are considered responsible employees and are required to report instances of sexual misconduct to the Office of Equity.

For the purposes of reporting discrimination and harassment, all University employees with supervisory authority, including faculty, are considered responsible employees and are required to report instances of discrimination and harassment to the [Office of Equity](#). ([https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout\\_id=32](https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout_id=32))

Make sure if this includes you? Call Kate, Equity Outreach and Education Specialist in the Office of Equity, at (847) 467-7426, or email her

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## [Who has a confidentiality privilege and doesn't need to report sexual misconduct to the University? \(#\)](#)

There are resources available for individuals to discuss incidents and issues related to harassment, discrimination, and sexual misconduct on a confidential basis. Confidential resources can provide impacted parties with information about support services and their options.

Confidential resources will not disclose information about incidents of sexual misconduct to anyone, including law enforcement or the University, except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others.

Because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential counselor does not constitute a report or complaint to the University and will not result in a response or intervention by the University. More information about these resources can be found on the [Confidential Support Page on the Sexual Misconduct Response and Prevention Website \(./get-help/confidential-support.html\)](#).

## [What does it mean to be a responsible employee? \(#\)](#)

If you are a responsible employee, you are required to report instances of discrimination, harassment and sexual misconduct of which you become aware during the scope of your employment to the Office of Equity. Sexual misconduct includes sexual assault, sexual exploitation, stalking, dating and domestic violence, and sexual harassment.

## [When am I in the scope of my role? \(#\)](#)

If you are staff or faculty and the incident involved at least one member of the Northwestern community, you should generally assume that you are within the scope of your role.

For student employees, such as graduate assistants, resident advisors, and students who work in University buildings such as Norris or the Library, you are within the scope of your role when:

- you are working;
- you are not on shift, but your status as a student employee is acknowledged, for example: "I know you work at the Library, can I tell you about something that happened to me this weekend?"
- you are not working, but you are at a meeting, event, or program -including off-campus- that you would not be at if it were not for your job;
- the relationship or interaction was initiated due to your status as a student employee

## [What will happen after I report? \(#\)](#)

When a report is made to the Office of Equity, our staff will reach out to the impacted party via email. This email will contain links to policies and processes, as well as information about supportive and confidential resources, including places like CARE and CAPS on campus. The email will invite the impacted person to come in and speak with staff in the Office of Equity if they would like to do so.

The impacted person determines next steps about how they would like to proceed. They are not obligated to respond to the email, or to engage with Office of Equity staff in any way, if they do not desire to do so. The person has options:

- they can choose not to respond at all. In this case, Office of Equity staff may reach out via email one additional time to ensure that the information was received, however this subsequent email also does not require the person to respond;
- they can choose to respond at a later time. There is no time limit upon when a person can report an incident of sexual misconduct or seek support around their experience. However, because the passing of time can make a review of the evidence more difficult, the Office of Equity encourages people to make contact with our office as soon as possible after an incident occurs;
- they can choose to speak with Office of Equity staff to get more information about resources and options. Any Northwestern community member who has been affected by discrimination, harassment, or sexual misconduct may choose how much information they would like to share with the Office of Equity when they speak with our staff. For example, they may choose only to ask questions such as "what would be my options if...?" or "what are the types of academic accommodations a person can get after reporting a report and will not result in an investigation."

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[report if... ? \(#\)](#)



- **I heard the information second hand?**
  - If you were within the scope of your role at the time, and if the information involves at least one member of the University community, then yes. You are not required to ask for or obtain identifying information about the people involved, unless you already know it. Just report what you heard, the location, and any other details you may have. You can report online using the [Sexual Misconduct Reporting Form \(https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout\\_id=31\)](https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout_id=31).
- **The person really doesn't want me to report?**
  - - You are required to report all instances of discrimination, harassment and sexual misconduct that you become aware of when you are within the scope of your role to the Office of Equity.
    - The person who disclosed to you may be concerned that reporting to the University will mean that they are obligated to talk to the Office of Equity or be a part of an investigation. You can let them know that though they will receive an outreach email from the Office of Equity, you making a report to the Office of Equity will not initiate an investigation. You might say something like "I'm required to share this information with the Office of Equity because I want to make sure you know about what resources are available to you. The Office of Equity will reach out to you with some information, but it's up to you if you would like to talk with them or not."
- **The incident happened off-campus?**
  - Regardless of where an incident occurred, if at least one of the parties involved was a member of the Northwestern community, you are required to report the information the Office of Equity.

## **How do I talk about my reporting obligation, and when do I let people know that I'm required to report? (#)**

It's a good idea to let people know that you are a responsible employee before they disclose discrimination, harassment or sexual misconduct to you, so that they can make an informed decision about whether or not you are the person they want to disclose to. Some best practices are below:

- when onboarding new staff or faculty, make sure that they understand their reporting responsibilities, and that they understand that you, and others in the department, are responsible employees as well;
- if you have teaching responsibilities, consider putting the following statement into your syllabus:

"Northwestern University is committed to making campus a safe place for students. Because of this commitment, if you tell any of your professors or TA's about discrimination, harassment or sexual misconduct involving a member of the Northwestern community, **they are required to report** this information to the Office of Equity. Sexual misconduct includes sexual assault, sexual exploitation, dating and domestic violence, stalking, and sexual harassment. Should you wish to report sexual misconduct that you or another member of the Northwestern community has experienced, you may do so [here \(https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout\\_id=31\)](https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout_id=31). Should you wish to report discrimination or harassment that you or another member of the Northwestern community has experienced, you may do so [here \(https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout\\_id=32\)](https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout_id=32).

- if you have teaching responsibilities, consider reminding students at the beginning of the quarter that you are a responsible employee;
- if a Northwestern community member begins to tell you something that you think may be a precursor to a disclosure of sexual misconduct, you should consider reminding them that you are a responsible employee. You might say something like:

"I want to make sure you know I'm a responsible employee, which means I have to inform the University when I learn that an incident of sexual misconduct has occurred. I'm really glad you feel comfortable talking to me, and I'd like to support you as best I can. If you don't feel comfortable continuing to talk to me about your experience, I can help connect you with someone confidential who is not required to report to the University."

You can find more information about confidential resources [here. \(http://www.northwestern.edu/sexual-misconduct/get-help/confidential-support.html\)](http://www.northwestern.edu/sexual-misconduct/get-help/confidential-support.html)

## **How soon do I need to report? (#)**

You are required to report the incident immediately after learning about it or witnessing it. This allows the Office of Equity to contact the affected party as soon as possible with information about supportive resources and other options. You may consult with your direct supervisor if you have questions about reporting, or need guidance, but you are ultimately responsible for making the report. Though you are not confidential, you are obligated to keep sensitive information private and you should not discuss the information that was disclosed to you with any other community members besides your direct supervisor and Office of Equity staff.

## **How do I report to the Office of Equity? (#)**

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- **Online:** [bit.ly/NUReportSexualMisconduct](https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout_id=31) ([https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout\\_id=31](https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout_id=31))
- **By phone:** Call Colleen Johnston, Director, Sexual Misconduct Response and Resources and Title IX Coordinator, at (847) 491-3881

Harassment and discrimination:

- **Online:** [bit.ly/NUReportDiscrimination](https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout_id=32) ([https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout\\_id=32](https://cm.maxient.com/reportingform.php?NorthwesternUniv&layout_id=32))
- **By phone:** Call Karen Tamburro, Director, Equal Opportunity and Access, at (847) 491-6697

**Still have questions? Contact us!**

Kate Harrington-Rosen, Equity Outreach and Education Specialist, at (847) 467-7426 or by email at [kate@northwestern.edu](mailto:kate@northwestern.edu) (<mailto:kate@northwestern.edu>)

## Sexual Harassment

### What are some examples of sexual harassment? (#)

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to, the following:

- Offering or implying an employment-related reward (such as a promotion, raise, or different work assignment) or an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct;
- Making threats or insinuations that a person's employment, wages, grade, promotional opportunities, classroom or work assignments or other conditions of employment or educational life may be adversely affected by not submitting to sexual advances;
- Engaging in unwelcome sexual propositions, invitations, solicitations, and flirtation;
- Leering, staring at someone, or looking at someone with "elevator eyes" (i.e. looking someone up and down);
- Using unwelcome sexually degrading language, sexual jokes, innuendos, or gestures;
- Displaying sexually suggestive objects, pictures, videotapes, graffiti and/or visuals that are not germane to any business or academic purpose;
- Displaying or transmitting sexually suggestive electronic content, including inappropriate e-mails; Stalking or cyberbullying;
- Making unnecessary and unwanted physical contact, such as hugging, rubbing, touching, patting, pinching, or massages;
- Engaging in sexual violence, including rape and sexual assault;
- Making unwelcome suggestive or insulting sounds, such as whistling and catcalls; Giving unwelcome personal gifts, such as flowers;
- Asking about a person's sexual fantasies, sexual preferences, or sexual activities;
- Commenting on a person's body, dress, appearance, gender, sexual relationships, activities, or experience; or
- Repeatedly asking someone for a date after the person has expressed disinterest.

### What should I do if I feel I have been discriminated against or harassed, but I don't think it is sexual harassment? (#)

Please let someone know right away. Northwestern's *Policy on Discrimination and Harassment* prohibits discrimination or harassment on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship, veteran status, genetic information or any other classification protected by law. If you believe that you have been discriminated against or harassed on the basis of any of these protected categories, please contact the Office of Equal Opportunity and Access.

### I'm being harassed by someone who is not a Northwestern employee, but who comes on Northwestern's campus to conduct business. Is there anything I can do? (#)

harassment by vendors, contractors, and third parties you report. If you believe that you have been subjected to conduct that Office as soon as possible.

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## **What is the University's policy regarding romantic relationships among students, faculty, and/or staff? (#)**

Guidelines on such relationships can be found in the University's [Policy on Consensual Romantic or Sexual Relationships Between Faculty, Staff and Students](http://www.northwestern.edu/provost/policies/consensual-relations-misconduct.html) (<http://www.northwestern.edu/provost/policies/consensual-relations-misconduct.html>). In addition to these policies, other schools and departments may have more stringent requirements regarding relationships between students and individuals in supervisory or authority positions. For additional information, please contact the Sexual Harassment Prevention Office, the Office of the Provost, Human Resources, your respective Dean's Office, or the Dean of Students.

## **Are there any rules about looking at pornography on the computer? (#)**

Northwestern has a [Policy on Prohibited Use of Electronic Resources for Threats, Harassment, and Pornography](http://policies.northwestern.edu/docs/Prohibited_Use_of_Electronic_Resources_for_Threats_Harassment_and_Pornography_061410.pdf) ([http://policies.northwestern.edu/docs/Prohibited Use of Electronic Resources for Threats Harassment and Pornography\\_061410.pdf](http://policies.northwestern.edu/docs/Prohibited_Use_of_Electronic_Resources_for_Threats_Harassment_and_Pornography_061410.pdf)). This policy prohibits the use of University electronic resources (including computers, networks, servers, phones, etc.) for threats and harassment, including sexual harassment. This policy also prohibits use of University electronic resources by faculty, staff, and student employees for viewing or sending pornographic or obscene content, except as otherwise provided in the policy. Viewing or sending pornographic material may also violate the sexual harassment policy. Use by anyone of University electronic resources for purposes of child pornography is illegal.

## **What is a Discrimination and Harassment Prevention Advisor? (#)**

The Discrimination and Harassment Prevention Advisors are a network of faculty, staff, and administrators throughout the University who have received special training on the University's policies and procedures regarding discrimination and harassment. The Advisors are available to answer questions about the University's policies and procedures, respond to complaints, and assist you in identifying other resources available to aid in your situation.

## **Prevention**

### **How can bystanders help prevent sexual assault? (#)**

Bystanders can intervene to prevent a potential sexual assault. If your instinct tells you that a situation is wrong, it probably is. Ways to intervene include the 3 D's: Direct (direct intervention with the parties); Distract (create a distraction that separates the parties or diffuses the situation); or Delegate (get help such as a resident assistant, friend, or police).

### **What is being done to educate the Northwestern community about sexual assault? (#)**

New undergraduate students receive mandatory training about sexual harassment and misconduct prior to arriving on campus and during Wildcat Welcome. CARE, the Women's Center, SHAPE, MARS, Student Affairs, and other groups provide training workshops, awareness campaigns, and educational outreach to students about sexual violence throughout the academic year. The Sexual Harassment Prevention Office provides training about sexual harassment and misconduct to staff and faculty groups. In addition, the University has an online sexual misconduct training program for faculty, staff, and graduate students. Over 29,000 staff, faculty and graduate students have completed this training.

### **Does Northwestern publicize data on the number of sexual assaults each year? (#)**

Northwestern publishes an Annual Security Report under the Clery Act, which provides data on the number of various crimes, including sexual offenses, that are reported to have occurred on campus and related areas. The [Annual Security Report](https://www.northwestern.edu/offices/annual-report/) (<https://www.northwestern.edu/offices/annual-report/>) can be found on the University Police website. In addition, the Sexual Harassment [-us/Annual-Data-Report-2016-2017.pdf](https://www.northwestern.edu/offices/annual-report-2016-2017.pdf), received and resolved by the

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